**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No. 23816 OF 2003**

% 01-08-2007

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# P.Vijaya Chandra

…Petitioner

And

$ The Andhra University, Visakhapatnam,
rep.by its Registrar & another

…Respondents

! COUNSEL FOR PETITIONER: Mr.V. Raghu

^ COUNSEL FOR RESPONDENTS: Mr.M.V.Rajaram

< Gist:

> Head Note:

? CITATIONS:

-Nil-

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No. 23816 OF 2003**

**Dated 1st August 2007**

Between:

P.Vijaya Chandra

…Petitioner

and

The Andhra University, Visakhapatnam,
rep.by its Registrar & another

…Respondents

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No. 23816 OF 2003**

**O R D E R:**

The petitioner was admitted into M.A. History, in the College of Arts and Commerce, Andhra University, at Visakhapatnam. He was also admitted into the hostel in the campus of the University. He was issued a show-cause notice dated 14.6.2003, by the Registrar of the University, the 1st respondent, stating *inter alia* that the petitioner and certain others have incited the inmates of the hostel on 9.11.2002, on the pretext that worms were found in a curry, served in the mess. It was alleged that they resorted to manipulate it, by adding worms to the curry, and spoiled the peaceful atmosphere in the campus on 9th and 10th November 2002. An enquiry was said to have been instituted, into the matter, and in the report filed therein, the petitioner and others were found guilty. On that basis, the petitioner was required to explain, as to why his admission into the college shall not be cancelled.

The petitioner submitted his explanation on 20.6.2003. Not being satisfied with the explanation offered by the petitioner, the 1st respondent cancelled the admission of the petitioner, through proceedings dated 6.10.2003. Hence, this writ petition.

The petitioner contends that he was not issued any notice by the

Enquiry Officer, and even when the show-cause notice was issued, the report of the Enquiry Officer was not furnished to him. He contends that cancellation of admission into the course studied by him is totally unwarranted.

The 1st respondent filed a counter affidavit, stating that a detailed enquiry was caused into the conduct of the petitioner and certain others, and the report had clearly indicted the persons involved. He contends that adequate opportunity was given to the petitioner to explain, and the admission was cancelled, only to maintain peace and tranquility in the campus.

Heard Sri V.Raghu, learned counsel for the petitioner, and learned Standing Counsel for the respondents.

A perusal of the impugned order discloses that the 1st respondent ordered an enquiry, into the occurrence of certain disturbances giving rise to agitation on 9th and 10th November 2002. The Enquiry Officer submitted his report on 11.6.2003 to the Vice-Chancellor. Taking the same into account, the University issued a show-cause notice to the petitioner. The explanation was submitted and thereafter, the impugned order was passed.

The enquiry instituted by the University was into the circumstances that led to the agitation on 9th and 10th November 2002. This naturally was to result in fixation of liability and holding those involved in the matter, guilty. Therefore, it was incumbent upon the University, or the Enquiry Officer, to issue notice to the affected parties, before any findings are recorded. The allegation of the petitioner that he was not issued any show-cause notice before the enquiry is conducted, is not controverted.

The second aspect of the matter is that the show-cause notice issued to the petitioner is solely based upon the report of the Enquiry Officer. It was incumbent upon the University to furnish a copy of the report to the petitioner. Such a course was not adopted. The explanation offered by the petitioner was brushed aside, by observing that it is not satisfactory. Therefore, there is a serious procedural irregularity.

Thirdly, even assuming that the petitioner incurred liability for being expelled from the hostel, on account of his alleged participation in the agitation, there did not exist any basis for the respondents, to cancel the admission of the petitioner into the college. No misconduct was alleged against the petitioner, as regards the study of the course by him. The misconduct against him would, at the most, can result in cancellation of admission in the hostel. Unless an act, or omission, pertaining to the study of the course by the petitioner in the college, was attributed, his admission ought not to have been cancelled.

For the foregoing reasons, the writ petition is partly allowed, directing that the cancellation of admission of the petitioner into M.A. History course shall stand set aside. The petitioner, however, shall not be entitled to be admitted into hostel. It shall be open to the petitioner, to pursue the remaining part of the course, in accordance with the rules that govern the course.

There shall be no order as to costs.

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**1st August 2007**

*Note: L.R.copies be marked.*
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